



PLANNING STAFF REPORT
ZONING CASE # ZON-26-0027
Planning Board Meeting: September 15, 2026 and October 20, 2026

Jurisdiction: Cumberland County

EXPLANATION OF THE REQUEST	Text Amendment
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This request is a text amendment to the Cumberland County Zoning Ordinance to introduce standards for Data Center uses, as called into action by the Board of Commissioners. Currently, the County Zoning Ordinance does not specify standards for such uses. In the event a Data Center is proposed for construction, by ordinance, Planning staff would have to find a comparable use on the permitted use table for the application of standards. Not having specific standards for these uses could result in undesirable consequences for neighborhood integrity and overall land use compatibility.

On June 15, 2026, the Board of County Commissioners enacted a six-month moratorium on data center uses to allow for staff research and development of appropriate development standards and to receive community feedback.

In the creation of this draft amendment, Planning staff conducted extensive research on current best practices in place for both County and municipal jurisdictions throughout the Country, including local comparisons with draft proposals currently under consideration with the City of Fayetteville.

Planning staff developed this proposal in coordination with the Cumberland County Joint Planning Board Codes Subcommittee, internal departments, and after receiving comprehensive feedback from the public comment hearing held by the County Board of Commissioners on March 23rd, 2026. Additionally, staff and the Codes subcommittee reviewed extensive public feedback received from two separate public input events held on August 6th and 11th, 2026.

After the draft ordinance was presented at the September 15, 2026 Planning Board meeting, the Codes Committee met again to further refine the proposed standards on October 5, 2026 based on feedback received by the Planning Board members. The proposed amendments to the proposal are outlined in blue font in the attached draft.

Since the Board of Commissioners public hearing and the Codes subcommittee meeting, the NC General Assembly has been reviewing proposed State legislation regarding Data Center uses (SB730). This legislation includes land use requirements primarily focusing on utility use. The proposed use requirements from this bill have been added to the proposed, attached text amendment.

The proposed draft works to address issues related to anticipated impacts. This includes, but is not limited to, noise, buffering and landscaping, site configuration, utility

coordination, and parking. Approvals for Data Center uses are proposed to be made through a conditional zoning process within the County's manufacturing districts to allow for consideration of site-specific conditions or community concerns.

The attached draft has been approved by the Codes subcommittee of the Planning Board for the full Board's review at their October 20, 2026 regular meeting.

STAFF RECOMMENDATION

In Case ZON-26-0027, Planning & Inspections staff **recommends approval** of the text amendment and finds the request consistent with the 2030 Growth Vision Plan. While specific land use plan policies do not directly address regulations for Data Center uses, a current ordinance that promotes specific development standards for uses achieves goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is an update to development standards and review processes for the public.

Attachment:
Proposed Text Amendment

Proposed Text Amendment – Data Centers

SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Data Center (Data Processing and Storage Facility): A facility or campus of buildings, the principal use of which is the housing, operation, and maintenance of equipment for the storage, processing, transmission, or distribution of digital data. Such facilities may include computer servers, networking equipment, cooling systems, electrical supply systems, backup generators, fuel storage, utility substations, and other accessory infrastructure necessary to support continuous operations. This use does not include any accessory data processing operations that are secondary to a permitted principal use or standalone telecommunications facilities or towers.

Data Center w/ Power Generation: A Data Center (Data Processing and Storage Facility) that utilizes, whether internally or externally, on-site power generation equipment and associated infrastructure not associated with, or connected to, a public electric utility and designed to operate beyond emergency standby conditions, including prime or continuous operation, peak shaving, microgrid operation, load management during regular utility service, or export of electricity. This would not include emergency backup generators that run only during utility interruptions and limited testing or maintenance.

Evaporative Cooling System: Any cooling system that consumes water through evaporation as its primary method of heat rejection.

ARTICLE IX INDIVIDUAL USES

905.2 Data Center (Data Processing and Storage Facility)

A. Setbacks

- i. All principal buildings, accessory structures, and operations equipment and infrastructure, including but not limited to mechanical equipment, generators, fuel storage, and utility substations, shall have a minimum setback of 5800 feet from any property line.
- ii. All setback requirements are increased by 50% for the entire parcel if:
 1. Any portion of the development parcel is located within any portion of an established Voluntary Agricultural District (VAD) One-Half Mile Buffer, or
 2. When located adjacent to a parcel located in a residential zoning district or containing a legally established residential use.
- iii. Structures housing a data center or any appurtenant structure shall not be located within 1,250 2,000 linear feet of an existing school, convalescent home, retirement home, group home, nursing home, hospital, day care facility, or

religious worship activity. This separation shall be interpreted as being a structure-to-structure measurement. The development of such land uses after the approval or development of a Data Center shall not be construed as making the Data Center operation a nonconforming land use per this Ordinance.

- iv. In no instance shall minimum setback or spacing requirements be reduced as part of a conditional rezoning request, variance application, or any other such type of request.
- v. No Data Center use shall be permitted to locate in an existing structure if the setback and spacing requirements stated in this section cannot be satisfied for the existing structure and its accessory uses.
- vi. Exceptions: This section shall not be applicable to Data Center developments on parcels whereby within 2,000 ft of the proposed development parcel boundaries:
 - 1. All parcels are zoned an industrial district, and
 - 2. No portion of a VAD One-Half Mile Buffer is identified, and
 - 3. No portion of a property containing a legally established residential structure is identified, and
 - 4. No use as provided in Section 905.2 A(iii) are identified.

If all criteria in 905.2 A(vi) are met, the development may utilize the standard setbacks for the applicable district.

B. Noise

- i. ~~As measured at any property line, s~~Site operations shall not exceed a maximum noise threshold of 60 dB(A) comply with the County's noise ordinance found in the County Code of Ordinances, Chapter 9.5, Article II. at any time of operation.
- ii. ~~The noise measurement threshold requirements listed herein are decreased to 45 dB(A) along any portion of a shared property line of a parcel located in a residential zoning district or containing a residential use.~~ Any exception or waiver provisions provided in Chapter 9.5, Article II shall not apply to Data Center uses.
- iii. ~~As part of the initial zoning permit application, the applicant shall submit a noise impact analysis prepared and certified by a licensed acoustical engineer. The analysis shall demonstrate that facility operations at full operational capacity, including operation of cooling systems and generators, shall comply with the standards set forth herein.~~
- iv. In the event of a physical expansion of any portion of the data center or site, a new noise impact analysis shall be submitted as part of the permit application showing compliance with the standards set forth herein.
- v. At the discretion of the County, a noise impact analysis may be requested, prepared by a third-party provider selected by the County, and shall be paid for by the owner, to ensure compliance with the requirements set forth herein.
- vi. Exceptions: Sections 905.2 B(iii)-905.2 B(v) shall not be applicable to Data Center developments on parcels whereby within 2,000 ft of the proposed development parcel boundaries:
 - 1. All parcels are zoned an industrial district, and

2. No portion of a VAD One-Half Mile Buffer is identified, and
3. No portion of a property containing a legally established residential structure is identified, and
4. No use as provided in Section 905.2 A(iii) are identified.

C. Buffering, Screening, and Landscaping

i. Building Site

1. When any Data Center use is adjacent to residentially zoned properties, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance. Additional requirements may be imposed by the Board of Commissioners through the review process with consensus of the applicant.
2. All data center building sites for any equipment, buildings, facilities, parking, or appurtenant uses shall be surrounded by a minimum 50-foot perimeter landscaping buffer and security fencing.
3. The buffer and fencing requirements stated in Section 2 above shall be evenly planted, opaque, and may contain a combination of vegetation, berms and a security fence. Vegetation or berms placed in the buffer shall be a minimum of 15 feet in height at the time of planting or installation. Landscaping shall be maintained, and dead or declining trees or vegetation shall be replaced upon request of the County.
4. All other requirements for landscaping and buffering shall be met in accordance with Cumberland County Zoning Ordinance.
5. The owner/operator shall maintain 24-hour contact information (name, telephone number, and email address) for a person authorized to respond to operational complaints. Such contact information shall be posted at a primary entrance gate or main building entrance and shall be provided to the County upon request and kept current.

D. Maintenance and Testing

- i. Routine maintenance and testing of any backup generation facilities shall only occur between the hours of 9:00 a.m. and 7:00 p.m., Monday-Friday, excluding Federal, State, and County-recognized holidays.

E. Utility Usage

- i. All water and electrical utility use for the data center shall be provided by a public utility source. In no instance shall water be drawn directly or through an intake from a well or from any river, stream, or other watercourse.
- ii. As part of the permit application, the applicant shall provide to the County a written attestation from both the electrical and water provider with the following:
 1. Adequate capacity is available on existing supply lines and subordinate systems to ensure there is or will be adequate capacity heightavailable to serve the proposed use at peak operational levels while also serving the needs of other users in the service area;

2. Existing utility supply equipment and related infrastructure are sufficiently sized and can safely accommodate the proposed use; and
3. The use will not cause interference, fluctuations, or disruptions in service provision either on or off the premises, including fire service.
- iii. Water used for cooling systems shall be on a closed loop or recycled water system. The applicant shall submit an attestation that the data center will employ a closed-loop water or a liquid cooling system that will result in minimization of water consumption.
- iv. Evaporative cooling systems shall be prohibited.

905.3 Data Center w/ Power Generation

- A. See Section 905.2 Data Center (Data Processing and Storage Facility), Sections A-D
- B. Water Utility Usage
 - i. All water and electrical utility use for the data center shall be provided by a public utility source. In no instance shall water be drawn directly or through an intake from a well or from any river, stream, or other watercourse.
 - ii. As part of the permit application, the applicant shall provide to the County a written attestation from the water provider with the following:
 1. Adequate capacity is available on existing supply lines and subordinate systems to ensure there is or will be adequate capacity available to serve the proposed use at peak operational levels while also serving the needs of other users in the service area;
 2. Existing utility supply equipment and related infrastructure are sufficiently sized and can safely accommodate the proposed use; and
 3. The use will not cause interference, fluctuations, or disruptions in service provision either on or off the premises, including fire service.
 - iii. Water used for cooling systems shall be on a closed loop or recycled water system. The applicant shall submit an attestation that the data center will employ a closed-loop water or a liquid cooling system that will result in minimization of water consumption.
 - iv. Evaporative cooling systems shall be prohibited.
- C. Electric Utility Usage
 - i. As part of the permit application, the applicant shall provide to the County a written attestation from the electrical provider with the following:
 1. Adequate capacity is available on existing supply lines and subordinate systems to ensure there is or will be adequate capacity available to serve the proposed use at peak operational levels while also serving the needs of other users in the service area;
 2. Existing utility supply equipment and related infrastructure are sufficiently sized and can safely accommodate the proposed use; and

3. The use will not cause interference, fluctuations, or disruptions in service provision either on or off the premises, including fire service.
- ii. In no instance shall a data center operation include a nuclear reactor, though nothing shall limit the use of electricity generated from a lawfully established offsite nuclear reactor operated by a public electric utility service provider.

CUMBERLAND COUNTY ZONING ORDINANCE
P = PERMITTED USE
S = SPECIAL USE (Sec. 1606 Board of Adjustment)
Z = CONDITIONAL ZONING (Article V – County BOC)

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